IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2148 of 2004

Office Notes, Office Memoranda of Coram, appearances, Court's Court's or Judge's orders orders or directions and Registrar's orders.

None presnt for petitioner.

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.
DATED : 4th February, 2005
P.C.

. Petitioner as widowed daughter of late Sadashiv Ramchandra Honap had claimed family pension and also contended that the Rule which provides restriction on a daughter to receive family pension only upto 25 years is unreasonable and should be struck down. On a consideration of the contention learned Tribunal has held that the same is policy decision and cannot be changed.

2. Apart from that it was within the jurisdiction of the Respondents to fix a date for receiving pension. As long as that date is not unreasonable it cannot be said to be arbitrary. In the instant case the provision is that the widowed/divorced daughter would be eligible if entitled to family pension upto the age of 25 years. It cannot be said that he said Rule is

arbitrary or unreasonable. Hence, we find no case for interference. Petition rejected.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)